

WFW

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/509,377	08/28/2000	Sergey Matasov		

United States Patent and Trademark Office
Attn.: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450, Alexandria VA 22313-1450
United States of America



EXAMINER	
LEUBECKER, JOHN P	
ART UNIT	PAPER NUMBER
3739	

Date mailed: March 29, 2006
By fax 571-273-8300 and air-mail

Total sheets, including the present one: 10

PETITION to withdraw holding of abandonment

Dear Mr. Commissioner,

I kindly ask You to withdraw holding of abandonment of the patent application 09/509,377 according to the 37 CFR 1.181(a).

I contend that the application is not in fact abandoned, as the deadline for reply (July 28, 2005) on the Notice of non-compliant amendment from June 28, 2005 would have been reseted in accordance with my petition from August 2, 2005.

Here are the arguments for the appropriateness of this statement.

1. The Notice of non-compliant amendment bearing a date of **June 28, 2005** was received on **July 30, 2005**, that is **2 days later (!) than the proper deadline**. The date of July 30, 2005 is proved by the stamp of State Postage of Latvian Republic on the envelope (see Enclosure 1); a date and a stamp of the United States Postage on this envelope are absent.

Thus there are no objective proofs that said Notice of non-compliant amendment was sent on June 28. According to the stamp of State Postage of Latvian Republic and the present practice (the letters from the USPTO to Latvia enters for about 10 days), the Notice was sent about July 20, 2005. The legal experts affirms, that dispatch of a letter is evidenced by a postal stamp.

2. On **July 20, 2005** there was sent the e-mail to Examiner Mr. Leubecker (see Enclosure 2) with a question when the next Office Action could be expected. On **July 27, 2005** Mr. Leubecker replied: *"the Notice of non-compliant amendment was sent on June 28, 2005"* (see Enclosure 3).
3. On **July 28, 2005** I have notified the USPTO (see Enclosure 4), that the letter from June 28, 2005 was not received.
4. On **August 2, 2005** there was sent in the USPTO the Petition (see Enclosure 5) to reset the period for reply. No any reply follows it.
5. On **August 5, 2005**, that is 5 days after the date of receipt of the Notice of non-compliant amendment, there was sent my reply on it. The entire delay from the date of deadline was 7 days.
6. On **February 27, 2006**, having not received a reply on my letter from August 5, 2005 I called Mr. Leubecker, but he was not aware about the state of affairs of the application. In the e-mail from

March 1, 2006 (see Enclosure 6) Mr. Leubecker informed me that the case is under review of the Special Programs Examiner.

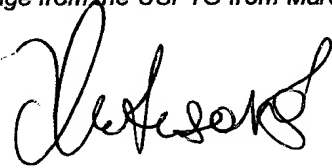
7. On **March 22, 2006** I have received the Notice of Abandonment with indication that the review of application was abandoned on **December 28, 2005**.

I hope on the objective consideration of these facts, as well as on Yours understanding of the situation and help. Please, have in view that I am the independent inventor from Latvia with a pension of less than 100 USD. In this connection I could not command the services of patent attorney.

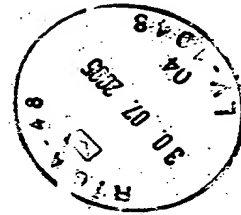
Enclosures:

- | | | |
|----|---|-----------------|
| 1. | <i>Copy of envelope of the Notice of non-compliant amendment dated on June 28, 2005</i> | <i>1 sheet</i> |
| 2. | <i>Copy of e-mail in USPTO from July 20, 2005</i> | <i>1 sheet</i> |
| 3. | <i>Copy of message from the USPTO from July 27, 2005</i> | <i>1 sheet</i> |
| 4. | <i>Copy of the letter to the USPTO from July 28, 2005</i> | <i>1 sheet</i> |
| 5. | <i>Copy of the petition to reset the period for reply from August 2, 2005</i> | <i>3 sheets</i> |
| 6. | <i>Copy of message from the USPTO from March 1, 2006</i> | <i>1 sheet</i> |

Faithfully Yours,
Dr. Sergey Matasov



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POSTAGE	NO POSTAGE NECESSARY IF MAILED IN THE UNITED STATES

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MAIL

354

-----Original Message-----

From: Sergey Matasov [mailto:matasov@hotmail.com]

Sent: Wednesday, July 20, 2005 8:40 AM

To: Leubecker, John

Subject: RE: Pat.Appl. 09/509,377

Dear Mr. Leubecker,

On April 14, 2005 we have submitted the corrected listing of claims in reply to the Notice of Non-compliant amendment from March 18, 2005.

In connection with bad work of Latvian post services we kindly ask You to inform us:

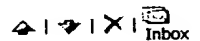
- whether there were any others Office observations after March 18, 2005, and
- the supposed date of the following Office Action.

Kindly Yours,

Dr. Sergey Matasov

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From : Leubecker, John <John.Leubecker@USPTO.GOV>
Sent : Wednesday, July 27, 2005 6:32 PM
To : "Sergey Matasov" <matasov@hotmail.com>
Subject : RE: Pat.Appl. 09/509,377



MIME-Version: 1.0
Received: from mail2.uspto.gov ([63.71.228.71]) by mc5-f15.hotmail.com with Microsoft SMTPSVC(6.0.3790.211); Wed, 27 Jul 2005 11:33:55 -0700
Received: from USPTO-SMTP-0.uspto.gov (mailer.uspto.gov [10.112.161.87]) by mail2.uspto.gov (8.11.1 - (Revision 1.5)/8.11.1) with ESMTP id j6RDXs215427for <matasov@hotmail.com>; Wed, 27 Jul 2005 14:33:55 -0400 (EDT)
Received: from EXCHANGE2.uspto.gov ([10.112.171.151]) by USPTO-SMTP-0.uspto.gov with Microsoft SMTPSVC(5.0.2195.6713); Wed, 27 Jul 2005 14:32:38 -0400
X-Message-Info: JGTyoYF78jHvRq/T4xfKGkYUG8aKorCWWaDuPUHCs=
X-MimeOLE: Produced By Microsoft Exchange V6.0.6556.0
content-class: urn:content-classes:message
Disposition-Notification-To: "Leubecker, John" <John.Leubecker@USPTO.GOV>
X-MS-Has-Attach:
X-MS-TNEF-Correlator:
Thread-Topic: Pat.Appl. 09/509,377
Thread-Index: AcWNKARWjYO1JWZFTdCbqPSibYndxgFsXRCA
X-OriginalArrivalTime: 27 Jul 2005 18:32:38.0215 (UTC) FILETIME=[90A3F570:01C592D9]
Return-Path: John.Leubecker@USPTO.GOV

Mr. Matasov,

A second Notice of Non-compliant was sent on June 28, 2005. No Office Action will be sent until a reply to that Notice is received.

Examiner Leubecker

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/509,377	08/28/2000	Sergey Matasov		9553

United States Patent and Trademark Office
Commissioner for Patents
Art Unit 3739
Examiner Mr. Leubecker, John P.
P.O. Box 1450, Alexandria VA 22313-1450
United States of America

EXAMINER	
LEUBECKER, JOHN P	
ART UNIT	PAPER NUMBER
	3739

DATE MAILED: July 28, 2005

by fax and air-mail

Dear Mr. Leubecker,

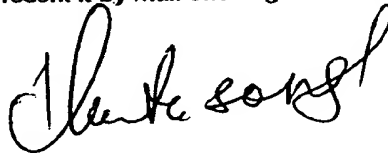
thank You for the e-mail from July 27.

Unfortunately we did not received any notices from the USPTO until now.

So we kindly ask You to resent it by mail once again and also duplicate by fax +371 7804281 and e-mail.

Thank You in advance.

Dr. Sergey Matasov



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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United States Patent and Trademark Office
Commissioner for Patents

EXAMINER
LEUBECKER, JOHN P

Art Unit 3739
Examiner's supervisor, Mrs. Linda C.M. Dvorak.
Copy sent: Office of Patent Legal Administration

ART UNIT PAPER NUMBER
3739

P.O. Box 1450, Alexandria VA 22313-1450
United States of America

DATE MAILED: August 2, 2005

By fax and air-mail
Total of sheets including this one 3

Dear Mrs. Dvorak,

In the course of the phone conversation of July 29, 2005 You have informed, that according to Your data, the Notice of Non-Compliant Amendment was sent on June 28th, 2005. However, the investigation of its envelope (see the enclosure) gives another information:

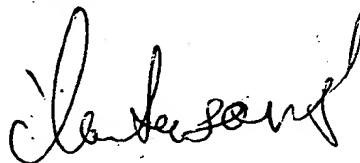
- o the stamp of the United States Postage and the date of mailing of the letter is absent,
- o the stamp of the State Latvia Post shows the receipt date of July 30th, 2005.

The absence on the envelope of the stamp of the United States Postage gives the basis to surmise that the Notice of Non-Compliant Amendment was sent from the USA about July 20th, 2005. The term of 10 days is an average term of delivery of correspondence in Riga.

However that may be, but there is no our fault in the infringement of the time period for filing a reply to this notice. In this connection we kindly ask You to extend the term for reply without any sanctions.

Enclosure: copies of the sides of envelope on 2 pages.

Faithfully Yours,
Dr. Sergey Matasov



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Application No. 09/509,377
Letter to USPTO

August 2, 2005
Enclosure. Page 1

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Patent application No. 09/509,377
Petition to withdraw holding of abandonment

Date mailed: March 29, 2006
Enclosure No. 5 page 3 of 3

Application No. 09/509,377
Letter to USPTO.

August 2, 2005
Enclosure. Page 2

AIR MAIL



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MSN Hotmail -

Page 1 of 1



matasov@hotmail.com

Printed: Wednesday, March 8, 2006 8:47 PM

From : Leubecker, John <John.Leubecker@USPTO.GOV>
Sent : Wednesday, March 1, 2006 10:39 AM
To : matasov@hotmail.com
Subject : RE: Pat.Appl. 09/509,377

MIME-Version: 1.0

Received: from smtpedge1.uspto.gov ([63.71.228.76]) by bay0-mc4-f9.bay0.hotmail.com with Microsoft SMTPSVC(6.0.3790.211);
Wed, 1 Mar 2006 02:39:39 -0800

Received: from EMFSERVER1 (emfserver1.uspto.gov [10.240.6.74]) by smtpedge1.uspto.gov (Tumbleweed MailGate) with ESMTP
id 5B2CDE016460for <matasov@hotmail.com>; Wed, 1 Mar 2006 05:38:25 -0500 (EST)

Received: from 10.112.161.87 by EMFSERVER1 with ESMTP (Tumbleweed Email Firewall SMTP Relay (Email Firewall v6.2.0));

Wed, 01 Mar 2006 05:41:12 -0500

Received: from EXCHANGE2.uspto.gov ([10.112.171.152]) by USPTO-SMTP-0.uspto.gov with Microsoft SMTPSVC(6.0.3790.1830);
Wed, 1 Mar 2006 05:39:27 -0500

X-Message-Info: JGTyoYF78jGr3ur2rqYfYhdXT+o8gGH58Mo5FnXOXtU=

X-Server-Uid: A4AFE6A8-ACB5-4096-9177-6557516E3F90

X-MimeOLE: Produced By Microsoft Exchange V6.0.6603.0

Content-class: urn:content-classes:message

Disposition-Notification-To: "Leubecker, John" <John.Leubecker@USPTO.GOV>

X-MS-Has-Attach:

X-MS-TNEF-Correlator:

Thread-Topic: Pat.Appl. 09/509,377

Thread-Index: AcQ2sZTxn9ZcOU4GRI+Z58mYIcrPcIQM0LkQ

Return-path: John.Leubecker@USPTO.GOV

X-OriginalArrivalTime: 01 Mar 2006 10:39:27.0525 (UTC) FILETIME=[6A1C3550:01C63D1C]

X-WSS-ID: 681BA5C22HC17560086-01-01

Mr. Matasov,

An inquiry has been recently made regarding your application. A Special Programs Examiner (SPRE) is currently reviewing the details of the case. Until a decision is made by the SPRE, I am unable to examine the application. When a decision is made (and I am pushing hard for them to make one soon), I will notify you via email.

John Leubecker
Primary Patent Examiner
Art Unit 3739

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